

Application Serial No.: 10/501,587
Amdt. Dated: July 17, 2007
Reply to Non-Final Office Action of January 29, 2007

AMENDMENTS TO THE DRAWINGS

In the drawings, please replace Sheet 2/5, showing Figures 3 and 4, with the enclosed
“Replacement Sheet” 2/5 showing Figures 3 and 4.

REMARKS/ARGUMENTS

The Office Action dated January 29, 2007 and the references cited therein have been carefully considered. In response to the Office Action, Applicant has amended Claims 1-4 and 6-10 which, when considered with the remarks set forth below, are deemed to place the case with Claims 1-10 in condition for allowance.

Specification Objection

In the Office Action, the specification has been objected to because the paragraph on page 3, lines 12-13 refers to a non-existent Claim 12. In response, Applicant has amended the subject paragraph to delete the reference to Claim 12 and to substitute therefor the subject matter of Claim 9, as filed.

In reviewing the specification, Applicant also noted a reference to Claim 1 in the paragraph on page 1, beginning at line 23. Applicant has amended this paragraph as well to delete the claim reference and substitute therefor the subject matter of Claim 1, as filed. Accordingly, it is believed that the specification objection has been overcome.

Drawing Objection

Figure 3 of the drawings has been objected to as being unclear as to where the numbered features are located. Specifically, the Examiner indicates that the arrows for reference numerals 13 and 18 do not clearly indicate where the features are located.

In response, Applicant submits herewith a "Replacement Sheet" for Figure 3 in which the arrows for reference numerals 13 and 18 now clearly indicate where the features are located. Specifically, reference numeral 13, which identifies the entire arch shown in Figure 3, is provided with an arrow head pointing to the overall arch assembly. Reference numeral 18, which identifies the coupling means of the arch, is now provided with a lead line pointing to the juncture of the arch leg 15 with the arch base plate 14. Accordingly, it is respectfully submitted that the drawing objection has been overcome.

Claim Objections and Rejections - 35 USC §112

Claims 1-3 and 6-8 have been objected to and/or rejected under 35 U.S.C. §112, second paragraph, as being indefinite. The Examiner has set forth the basis for each objection and rejection in the Office Action.

In response, Applicant has amended the claims to address each and every objection and rejection set forth in the Office Action. Accordingly, it is believed that the informal claim objections and rejections have been overcome.

Claim Rejections – 35 USC § 102 and 103

Further in the Office Action, Claims 1-4 and 8-10 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,484,830 to Anderson. Claims 5 and 7 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over the Anderson patent in view of U.S. Patent No. 6,773,653 to Miller and Claim 6 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over the Anderson patent in view of U.S. Patent No. 2,570,323 to Condon.

The Examiner states that the Anderson patent discloses a file having a front cover, a back cover, a spine and coupling means being integrally molded on one of the covers. The Examiner further notes that the Anderson patent discloses an arch having cooperative coupling means, which can be attached to the coupling means provided on the cover.

In response, Applicant has amended independent Claims 1, 8 and 9 to further define the structural features of the clamping means provided on the cover and the arch of the present invention. In particular, the clamping means has been further defined as including a flange spaced from the cover with a recess formed in the flange. The arch has been further defined as including a substantially planar base plate having an edge and at least one leg extending upwardly from the base plate, wherein the base plate edge is retained under the clamping means flange and the upwardly extending leg is received in the flange recess. It is respectfully submitted that none of the prior art references, taken alone or combined,

discloses a cover coupling means or an arch having the structural features set forth in amended Claims 1, 8 and 9.

Specifically, upon review of the Anderson patent, it is immediately apparent that the arch and the coupling means disclosed therein are very different than that defined in amended Claims 1, 8 and 9. More particularly, the coupling means (58) and the clamping means (60) disclosed in the Anderson patent consist of an axle (58) locked within a pair of lug mounts (60), and the arch (52, 54, 56) disclosed in the Anderson patent consists of three arched members (52, 54, 56) integrally molded with the axle (58). Thus, the clamping means does not include a flange spaced from the cover and including a recess formed in the flange, nor does the arch include a substantially planar base plate having an edge and at least one leg extending upwardly from the base plate, wherein the base plate edge is retained under the clamping means flange and the upwardly extending leg is received in the flange recess, as defined in amended Claims 1, 8 and 9.

Moreover, in the Anderson patent the straight pin (post 46, 48, 50) has to be individually connected to the cover for each of the arches (52, 54, 56), which is burdensome and relatively fragile. In the abstract it is stated that the posts are integrally injection molded which would, in the present form, lead to undesirable differences in cooling time, warp of the covers and therefore misalignment of the posts and all kinds of other problems. In the present invention these are all overcome by the arch structure having a base plate retained under a flange formed on the cover.

With respect to the cited Miller patent, although it is true that Miller discloses in-mold labeling as such, it does not disclose nor give any hint to the use of in-mold labeling or texturing of files according to Claims 4, 5 and 7 of the present invention. Conversely, the present invention has nothing to do with anti-temper means, as disclosed in the Miller patent. Therefore there is no reason to combine the Miller patent with the Anderson patent and even if a person skilled in the art would combine Miller with Anderson he would still not arrive at the present invention according to Claims 4, 5 or 7.

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Conclusion

In view of the foregoing remarks, favorable consideration and allowance of the application with Claims 1-10 are respectfully solicited. If the Examiner believes that a telephone interview would assist in moving the application toward allowance, please contact the Applicant's attorney at the telephone number listed below.

Respectfully submitted,



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